Islam on Grafting & Transplanting of Human Organs

Edited by

MOULANA MUFTI MUHAMMAD SHAFI

Endorced by: Research Committee For Current Problems

Translated by

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PREFACE

Joint discussions and considerations of Islamic injunctions are being carried out in some form or the other, since the earliest days of Islam. In matters where there are no explicit injunctions available in the Qur'an and Prophetic Traditions the holy prophet has laid down a golden guideline to deduce the laws and regulations based on the principles of the Quran and Sunnah (Prophetic Traditions).

Hadhrat 'Ali States that he asked the prophet as to what was his advice for a matter that is not mentioned in the Quran and Sunnah? The Prophet said,

"Consult the jurists and devotees, and do not enforce individual opinion".

This Tradition has been reported by Tabrani in M'ujam Ausat. Haiytham has stated that all the narrators in this tradition are reliable people.

Accordingly, the practice of the scholars of Islam at different times has remained that in all the newly arising religious matters particularly those of a collective nature they used to issue a verdict after mutual consultations, discussions and debates. Imam Abu Hanifah had adopted the same line of action and it was for this purpose that he had formed a council of "Devoted Jurists" for making researches on the legal tenets of Islam. The renowned book "Fatawa-e-'Alamgiriyah" was compiled during the Moghul regime in the same manner.

In the latest era the renowned scholar Moulana Ashraf 'Ali Thanavi also followed the same system that rather than relying on his individual opinion, he used to consult the "Devoted Jurists" of his time in all the new problems particularly those having a universal and collective importance. He used to issue any verdict only after all the points for and against such a verdict had been considered. He had started a regular project by the name of "Hawadith-ul-Fatawa" for research in the newer problems and in most of them the same procedure was adopted. The publication of "Al-Hilatun-Najizah" to eradicate the difficulties and calamities faced by women was an outcome of the same project, and this reflects on the religious insight of Moulana Thanavi.

Life indeed is an ever flowing yet ever-existing reality and every new era of time

But with the invention of "Machine" there is not a single aspect of life that could be considered unaffected with it. It has brought in revolutionary changes in every sphere of life, and thus opened new fields of investigations and research in every faculty of art and science by creating newer problems. In the same context countless juridical problems about which clear injunctions in the Qur'an, the Prophet Traditions or the verdicts of legal experts of Muslim nation are not available and in order to find a solution to these problems research and investigation is needed in the light of Muslim Law and the principles on which the law is based.

That is why today the need to implement the tradition "consult the jurists and devotees" is being felt more than ever before. It was very much needed that the renowned "Devoted Jurists" of the Islamic world whose legal insight, knowledge and practical life, piety and cognizance is trusted by the entire Muslim nation, should have joint committee to consider these problems. But in view of the political and social perplexistes with which the entire Islamic world is suffering these days it does not seem to be practically possible. The religious scholars do not even have enough resources to from a joint council of even one country for this purpose.

But in view of the rule that "The part of a thing should not be abandoned of the whole can Accordingly, the practice of the scholars of Islam at different times has remained that in all the newly arising religious matters particularly those of a collective nature they used to issue a verdict after mutual consultations, discussions and debates. Imam Abu Hanifah had adopted the same line of action and it was for this purpose that he had formed a council of "Devoted Jurists" for making researches on the legal tenets of Islam. The renowned book "Fatawa-e-Alamgiriyah" was compiled during the Moghul regime in the same manner.

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That is why today the need to implement the tradition "consult the jurists and devotees" is being felt more than ever before. It was very much needed that the renowned "Devoted Jurists" of the Islamic world whose legal insight, knowledge and practical life, piety and cognizance is trusted by the entire Muslim nation, should have joint committee to consider these problems. But in view of the political and social perplexistes with which the entire Islamic world is suffering these days it does not seem to be practically possible. The religious scholars do not even have enough resources to from a joint council of even one country for this purpose.

But in view of the rule that "The part of a thing should not be abandoned of the whole can

not be achieved", the scholars of Karachi alone have formed an informal committee which comprises of experts of religious law from three renowned religious institutions of Karachi, namely Dar-ul-Ulum, Karachi, Madrasah Arabia Islamia, New Town, and Ashraful Madaris, Nazimabad. This committee is working independent of any formal obligations and regulations of office and status of other groups and parties. From time to time the scholars and jurists of all the three institutions assemble together discuss and debate over the newly arising problem, study all the aspects of a problem quite impartially and every one expresses his views openly and frankly. Whenever a problem is settled, it is written down with all the relevant arguments.

In this manner this committee has already settled many jural problems which are being published from time to time. Presently the problem of blood transfusion and human organ transplantation are being published for which the researches of renowned scholars from within and outside the country have also been collected and compiled by my humble self.

Of the other problems settled in this manner are those of Life Insurance, Interest-free Banking, Interest on provident fund, Hajj Training and Slaughter by Machines.

May Almighty Allah make this practice beneficial for the Muslims and serve it as a source of guidance for those who want to seek and strive for the pleasure of Allah.

> Muhammad Shafi Darul-Uloom, Karachi. 1387 AH.

PREAMBLE

بسيد ماللوالرحان الرحان مو

In the name of Allah, Most Gracious, Most Merciful.

المعطى ومن بعديه الهندى طالله من المناوع الذين اصطفاعت والأكرمن عالم العنيب المعملة ومن بعديه الهندى طالله من فاطور السّلوات والأكرمن عالم العنيب والشهادة والنّس المناه العنيب والشهادة والنهادة والنهادة والنهادة والنهادة والنهادة والنهادة والمناه المناه المناه المناه المن باذنك المناه المناه المن باذنك المناه المنا

"All praises are for Allah, and blessings and Salutations to his selected servants particularly to our master Muhammad Mustafa (Peace of Allah be on him), and to the one who gets guided on his way. O Allah! the creator of the heavens and the earth, the knower of seen and unseen, You decree on the people in their differences. Show us by Your command the right path of truth in matters of their

differences. Indeed You will guide to the right path whom-so-ever you will".

Thereafter,

The modern advancements of Medicine and Surgery have created several new situations in the field of treatment. Whereas many clinical benefits have been obtained from them, several jurical problems have also arisen into whether they are permissible or forbidden, for example, transfusion of one persons blood into the other, grafting of ones skin on the other, or transplanting of ones organ into the body of the other. It is gratifying to note that even in the declining morals of present days quite a large number of Muslims exist who are conscious of what is forbidden and what is permissible, and that is why innumerable inquiries about human blood and organ transplants and their sale or purchase are being received from all over the world.

It is obvious that straight forward rules about the specific situations and subsidieries of treatment cannot be found in the Qur'an and Prophetic Traditions because these situations did not exist at that time. But it is the unique excellence of the Quran and Islamic Jurisprudence that an answer to every new problem can be found if due thought and consideration is given to the principles and rules laid down for this purpose, and provided that the knowledge of the Quran and Hadith has been learnt from their experts and full attention has

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been paid to it. All this should be done with sincere motives, fear of God and true cognition of Hereafter, and be aimed at fulfilling the requirements within the limitations of religious laws, and not just an attainment of transient desires by interpolating the obvious and specific meanings of the Quranic injunctions and Prophetic Traditions. Even for the experts, caution demands that they avoid giving individual opinion but, following the Traditions of in the Islamic law it will be no service to the grater sin if it causes hatred from religion by the Hila-e-Najizah. people.

In such matters of universal importance my humble self has seen and observed the system of my ancestors particularly that of my reverend spiritual guide Moulana Ashraf Ali Thanavi that in all matters of common interest he used to give due thought and consideration within the legal framework, seek all the relaxations given by Islamic law in those matters and then consult

other contemporary scholars and give a verdict only after that.

In view of the oppressed condition of women and absence of any Islamic government or Islamic law in India. The matter was discussed and considered in 1351 AH. in the light of all the four schools of thought in Islamic law, and after discovering some convenient situations that could the holy companions of the Prophet, they pass a remove the oppression from them he made it a verdict after consulting the renowned jurists of point to incorporate the scholars of Deoband and their times. This is important because both the Saharanpur in their publication. My humble self aspects of this matter are rather delicate. Just as was selected from Deoband and Mufti Abdul it will be a great sin to declare a prohibited thing Karim from Saharanpur, and kept contact with as permissible similarly it will be an equally the scholars of Makkah and Madinah, due to great sin if a permissible thing is declared as which it took five years in its composition. Then, prohibited. Also, if a relaxation has been provided after its publication it was sent to all the renowned scholars of India for their opinion and religion by ignoring this and making things comments. After all of them had affirmed and difficult for people. Rather it may become a and approved it was published in the name of

> The subject under review, that is, transfusion and transplantation of human blood and human organs is also a matter of common concern these days and it is not specifically dealt with in the books of Islamic law. When a large number of inquiries were received frequently from Pakistan and abroad I thought it is proper that, in upholding the tradition of the Prophet a group of expert scholars, in Islamic law should consider the matter and establish an opinion, rather than decide it on my individual opinion.

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Accordingly, I tabled a questionnaire and sent it to the juridical centres at Karachi, Multan, Lahore and Peshawar in Pakistan, and Deoband, Saharanpur and Dehli in India and after having received the replies of most of them it was desirable to consider the matter in a joint meeting but time and resources did not allow for it. Hence in view of the injunction of (If the whole of a thing cannot be achieved, do not give up the part thereof) it was decided that only the learned scholars of Karachi hold joint sessions to consider them and their recommendations be sent to the renowned jurists within the country and abroad for their opinions and verdicts so that a consensus on the verdict be obtained. In these meetings the following scholars participated at various sittings and opinions of external jurist were thoroughly discussed keeping in view the books of the four schools of thought. The unamimous verdict of this committee is being presented in the following pages with relevant arguments.

The names of participants of these committees are

- From Dar-ul-Ulum Karachi.
- 1. Mufti Muhammad Shafi Grand Mufti of Pakistan
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- 3. Moulana Salimullah Professor
- 4. Moulana Subhan Mahmud Professor

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- From outside Karachi.
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- 2. Mufti Muhammad 'Abdullah Mufti, Khair-ul-Madaris, Multan
- 3. Mufti Abdul Sultan Mufti, Khair-ul-Madaris, Multan
- 4. Muhammad Is'haq Asstt. Mufti, Khair-ul-Madaris, Multan
- 5. Mufti Jamil Ahmad Thanavi Mufti Jam'a-e-Ashrafia, Lahore
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8. Mufti Wajih - Mufti Dar-ul-Ulum Islamia, Tando Allah Yar.

The above Committee has decided to include deliberations on matters of common concern apart from to those related to blood transfusion and organ transplants. By the Grace of Almighty Allah several important subjects have been studied and the inferences drawn and decisions taken thereby have been compiled together and published for the benefit of people. The subjects so for dealt with are as under.

- 1. Life Insurance
- 2. Interest on Provident Fund and levy of Zakat on this Fund.
- 3. Detailed outline of Interest-free Banking.
- 4. The slaughter of animals buy Jews and christians and purchase of meat from them.
- 5. Slaughter of animals by Machine.

This booklet presents the findings and verdicts of the above committee on Blood Transfusion and Organ transplant after thorough discussions and considerations of the replies received from outside scholars and the research of the members of the committee. Reproducing them separately would have resulted in repetitions and an undue increase in the volume of the book, hence the inferences drawn after due considerations and deliberations have been edited in a systematic manner, and the references to this arguments have been written separately for the convenience of people in general.

INTRODUCTION

IMPORTANT AXIOMS:

Before going into the details of questions and their answers some important axioms must be understood so that the ensuing problems are properly understood. These axioms were present in some form or the other in almost all the verdicts under consideration, and have been compiled together as a preface here.

EVERY FORBIDDEN THING IS HARMFUL FOR MANKIND

The first axiom is that pronouncement of all those things by Allah as forbidden and unlawful has been done in the best interest of entire mankind based on His infinite wisdom. There can be no element of miserliness or self-gains in prohibiting them. Also, Allah is all Aware, Knowe and Wise, and hence none of these injunctions can be useless and unnecessory. Thus there can be no other reason than that all forbidden things are harmful for man and mankind. Even if some

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apparent benefits are felt in them the element of harms would definitely be dominant. Further, there are certain harms that weaken the body of man and make them ill, and yet there are some which cause no apparent damage to the body but are very damaging to human soul and impart adverse effects on the morals and character.

The first kind of harms are known and recognised by every one. All methods of treatment and arts and science about the health of human body, Greek medicine, Allopathic, Homeopathic, Waydik etc., prevalent in the world also recognise the damages that are caused by these things. That is why they prohibit the use of such things as the flesh of dead animal etc. because every one knows that it damages human health.

But the health and diseases of the soul and man's spiritual system can not be optically perceptible, nor can they be seen though some meters X-rays or other diagnostic equipments. Hence they can not be perceived by those who threat ailments of man's body. They can be discovered by only those who are the healers of human soul and can diagnose the health and diseases of the soul, and in whose eyes the reform of man's character and spiritual health are more important than his body.

In short prohibition of things by Islamic law has been done only for the benefit and well being of mankind. Those things are sometimes harmful to his body, sometimes to his soul and sometimes to both.

Islam on Grafting & Transplanting of Human Organs

SANCTITY OF MANKIND AND ITS TWO ASPECTS

The second axiom is that of all the magnificent creations in the earth and heavens man has been bestowed by Allah a special honour. He has been given an eminent status in the entire universe both in its apparent and intrinsic states. In his appearance he has been described in the words

(We have shaped mankind in the best mould), and in respect of knowledge and cognizance

شاقة المنات (He taught mankind the knowledge which he did not know). and in respect of being most dignified and honoured of all the creations والمتاتنية المراجة الماسية الما (We bestowed the progeny of Adam specific honour and sanctity) has been the mankind's status. Then this sanctity of mankind itself has two aspects. First is that man has been given the right to put the entire universe and creations to all the work and service for the benefit and comfort of his life. Starting from the milk of several animals the flesh, skin and bones etc. have been made permissible for him. Various relaxations have been provided in the injunctions for the safety of his life and even in the use of forbidden things in desperate situations. The second aspect of dignity of mankind is that man can alter the state or cut and grind various things to use them as diet and medicines for

treatment. But this is not permissible for the organs of other human beings because this is against the sanctity of mankind. Similarly trade and barter, or sale and purchase of human parts is not permissible like other common commodities.

In matters of treatment and medicines all the injunctions of Islamic law are pending on the relaxations of these two aspects.

RELAXATIONS IN ISLAMIC LAW FOR TREATMENT OF ILLNESSES

The third axiom is that human life has been given that highest degree of honour and dignity. It is infact a sacred trust of Allah that has been given to mankind. That is why any form of its destruction has been regarded as a grave sin and heinous crime. Elaborate means have been provided to safeguard this sacred trust, and their use for saving the life and removing its agony has not only been made lawful but commanded. If a sick person has in his possession any such medicine or means of treatment that can certainly save his life, its use has been made obligatory. The Prophet ملی الله علی رسالم has stated that Allah did not create any disease the remedy for which has also not been created. It is common experience and observation that curative substances relative to specific disease are generally produced in the same region and race where such disease occur. Seasonal vegetables, fruits and herbs etc. are generally produced in the same season in which specific diseases occur. Islamic law has provided permament rules for sick persons in all their

material and spiritual engagements to provide ease and comfort for their lives. Salah is the most important and obligatory worship, but even for this, relaxations have been provided, that an ill person can perform it in sitting position if he is unable to stand, and in prostrate condition if he can not sit, and can only use signals if he is unable to do proper bendings and prostrations. Facility for Ta-yamumum (Cleaning with pure earth) has been provided if the use of water for bathing and ablution is difficult or restricted.

In order to save the human life in desperate situations many such acts and things have been made lawful (with due conditions) as are forbidden under normal circumstances. In Islam these can be no greater sin than the utterance of words of unbelief, but if a person is constrained to say such words otherwise he would be certain to be killed he is allowed to utter such words while his belief remains firm in his heart

قال الله تعالى - من كفريانله من بعيرايمانه الأمن أكرة وقله من بعيرايمانه الأمن أكرة وقله مطمئن بالإثبان المناس

Any one who disbelieves in Allah after establishing his belief excepting him who has been compelled but his heart is content with Faith. (Q: 16:106)

Similarly for a person dying of hunger or thirst use of prohibited and unclean things (within certain conditions and limitations) to save his life is not only permissible but obligatory. In such a state use of alcoholic drinks, flesh of swine and even that of dead animal has

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been mentioned in the Qur'an itself provided the situation is really desperate and one does not use it more than required to save life. The following verse has the same interpretation.

كَسَّنِ المُسْكِّرِيَّ الْمِحْدِيِّ الْمُحْدِيِّ الْمُحْدِيِّ الْمُحْدِينِ الْمُحْد

Yet if some one becomes desperate, neither craving wilfully nor transgressing the limits, no sin shall be on him (Q, 2: 173).

And in another verse, the Quran states.

But whosoever is forced by hunger (to eat any of the forbidden things), not inclining wilfully to sin, surely Allah is Forgiving, Merciful (Q5. 3)

According to above verses the necessity and conditions under which the forbidden things have been made lawful are as under:

- a) There is no lawful means left to save the life.
- b) Use of forbidden things becomes lawful if it is certain that life will be saved with it. But in this matter conditions and restrictions laid down by the Qur'an must be fully implemented. Very often common man and even to some learned persons suffer from misunderstandings in this matter, and begin to consider every human need

as essential and desperate. But there is a great difference in both of them. Hence it seems proper that the words Necessity, Need, Benefit, Decoration and Needless be properly understood and injunctions related to them be described in detail.

DEFINITION AND GRADES OF NECESSITY, NEED, BENEFIT ETC.

The fourth axiom is that the state of desperation as described by the Quran has five grades (Hamvi alal ashbah, p. 108)

- 1. Necessity : It is defined as the state wherein the patient will die or his condition will be grave if the forbidden substance is not used. This is the real state of despair and only in this state the use of forbidden things becomes lawful (with some conditions described elsewhere)
- 2. Need : This means that if the forbidden thing is not used the patient would not die but will suffer affliction and handship. This is not the state of despair, hence, in this state certain relaxations in the religious rites of worship have been given but forbidden things do not become lawful.
- 3. Benefit : This means that the use of a thing will be beneficial to the body but no serious harm will be done if not used, such as. eating rich food and energetic meals. For this

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been mentioned in the Qur'an itself provided the situation is really desperate and one does not use it more than required to save life. The following verse has the same interpretation.

كَنِيامُ الْمُرْتَاعِ وَلَا عَادِمُ لَا يَسْمَ الْمُرْتَاعِ وَلَا يَسْمَ لَا يَسْمَ لَا يَسْمَ لَا يَسْمَ لَا يَسْمَ لَا يَسْمُ لِلْمُ لِلِمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلِمُ لِلْمُ لِلِمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلْمُ لِلِ

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فَنَواصَّطَة فَامَعُمَ عَلَيْ اللهُ عَلَيْ مُعَمِّعَة عَلَيْ اللهُ عَلَيْ مُعَمِّعُ عَلَيْ اللهُ عَلَيْ مُعَمِّدُ مُعَمِّدُ اللهُ عَلَيْ مُعَمِّدُ مِن اللهُ عَلَيْ مُعَمِّدُ مِن اللهُ عَلَيْ مُعَمِّدُ مِن اللهُ عَلَيْ اللهُ عَلِي اللهُ عَلَيْ اللهُ عَلَيْ اللهُ عَلَيْ اللهُ عَلَيْ اللهُ عَلِي اللهُ عَلَيْ عَلَيْ اللهُ عَلَيْ عَلَيْ عَلَيْ عَلَيْ عَلَيْ اللهُ عَلَيْ عَلَيْ عَلَيْ عَلَيْ عَلَيْ عَلَيْ عَلَيْ عَلَيْ عَلَيْ عَا عَلَيْ عَلِي عَلَيْ عَلِي عَلَيْ عَلَيْ عَلَيْ عَلَيْ

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- 3. Benefit : This means that the use of a thing will be beneficial to the body but no serious harm will be done if not used, such as, eating rich food and energetic meals. For this

state neither any forbidden thing becomes lawful nor the breaking of fast is permissible with them. These can be used if obtained through legitimate means otherwise restraint should be kept.

- 4. Decoration : Things that are not a source of any special vitality to the body and are used only as luxury or on desire. Obviously the question of any forbidden thing becoming lawful for such a state does not arise.
- 5. Needless نفول : This means the use of things merely to satisfy the lust and passions. Quite obviously there can be no relaxation in the injunctions related to their use. Rather, their needlessness has a negative impact.

FURTHER DETAILS OF THE STATE OF DESPERATION

The word "Desperation" is closely allied to "Necessity" and infact they go together. The meaning of the word Necessity in this context implies that there must be a definite risk to life, and where the risk to life is not certain it would not be state of Necessity and Desperation but it will be termed as "Need"

All situations where the Qur'an has permitted the use of forbidden things are those in which danger of death is certain. Where this is not certain even though it may be feared, it would not fall under the category of "Desparation", for example, if someone threatens

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a person to kill him would not be labelled as "desperate" unless all those circumstances and means have been present from which an escape becomes impossible, such as, the killer has the murder weapons and the other person is alone and cannot save his life through a combat with the killer all by himself, such a person will be called "Desperate" in Islamic law. Such a person may save his life by uttering words of disbelief or by the use of forbidden thing.

A threat to life from an enemy can be felt by every one but whether there is a threat to life from a disease can not be ascertained by everyone, and the opinion of an expert physician or surgeon must be obtained. It is also deduced from the words of the Qur'an that the use of forbidden is permissible when this is also made absolutely certain that it can save the life and there is no medicine available for this situation other than the forbidden one.

In short permissibility of a forbidden thing depends on the fulfilment of three conditions.

- 1. The situation must be 'Desperate", so that a definite risk to life exists without the use of forbidden thing.
- 2. The risk should not be speculative but almost certain on the verdict of a reliable medical expert.

3. Life can be definitely saved with the use of forbidden thing again on the verdict of a reliable medical expert.

The unanimous verdict of the Islamic jurists is that with the fulfilment of these three conditions the use of a forbidden thing becomes permissible.

Tenet: There are some exceptions even in this state of Desperation, for example, a person says to another person, "Kill a certain XYZ man otherwise I will kill you" Although this is a Desperate situation but for this the person in despair is not permitted to kill the other person because both lives have an equally sanctity. However, if a person is compelled to destroy the goods of another person he can save his life by doing so because that can be compensated. Following are the verdicts of experts of Islamic law in this context.

1. آن المسكم لَا يَعِل لَهُ آن بِنِي رُوحه بروح مَن هُومتنكه في الحرمة في كما لواكره و الما النّا المسكم لا يعمل الله المراكب المسكم الما والما والمسبوالك المستراكب و المسبوالك و المسبول و ال

Indeed it is not lawful for a Muslim to destroy the life of another Muslim to save his own (because sanctity holds true for the other person as it is for himself), for example, if a person is compelled and put in despair to kill a Muslim (even then it will not be lawful for him to do so).

Drinking of blood or urine, eating the dead by a patient is permissible as a cure with the condition that the doctors have told him that his cure depends on them, and also that no substitude from among the permissible things is available.

And if the doctors say that the patient will recover sooner by the use of these things, then there will be two considerations. (Fatawa-e-Alamgir vol 5, p. 355, printed Egypt).

رس و في تكملة البحوالوات من الحظو والا بَدَتِ و في النوا و مامولة عاسل 3. اعترض الول في بطنها ولا يمكن الا بقطعد اس باعا و للمولاييل ذالك يخاف على امه من الموت فان كان الول مي تافي البطن فلا بأس بعد وانكان مي اللجن لان العيام فنى بقبل فنس اخرى لمريوفي الشرع روفيه بعد واللك مملة عامل تما تت فامنطوب الولد في بطنها فان كان اكبر ما يُرح من بطنها كان وللك تسبب في احياء رفن معتومة بترك تعظيم الميت فالاهيام اولى - بحرص مساحي في احياء رفن معتومة بترك تعظيم الميت فالاهيام اولى - بحرص مساحي من الاشباه و التطائر لا بن نجيم المفروم الت بي المعظوم الت ومن أثم عان كالما الميت عند المنصم عنه و اساغت اللقمة بالخدو التفظ بكلمة الكفر الكواه وكذ الثلاث مال غيره و الاثباه مي من وفي الاشباه من الاثباه مي المناب المناب

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اله آن المسلم كايم لله أن يق رُوحه بروح من هومنشله في الحرمة كما لواكس اله من مومنشله في الحرمة كما لواكس الم المنافقة من المسلم المنافقة من المنافقة المنا

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(۲) قاوی عالکیرمیده سه ۲۵۵ بیع معری - دیجد العیل شرب المع والهای دال المیت قت ادی اذا افیره طبیب ان شفاع و فیه و لمعید فالهای الیم الیم مقامه دان قال الطبیب بینی شفاع المی فیه وجهان اهدومثلد فی آب البیع من دوالمه تا می مید برسی الحیات مده و جلدی

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And if the doctors say that the patient will recover sooner by the use of these things, then there will be two considerations. (Fatawa-e-Alamgir vol 5, p. 355, printed Egypt).

رس، وفي تكملة البحوالوات من الحظو والاباحث وفي النوا وما مولة عاصل . واعترض الول في بطنها ولا يمكن الا بقطعد المرباعاً ولول مرفيعل والصيفات على المدمن الموت فان كان الول مي تنافي البطن فلا بأس به وان كان عيال بجذ لان العيام فنس بقرى لم يروف الشرع روفيه بعد والله لاملة عامل تما تت فاحظوب الولد في بطنها فان كان اكبرمائي ما مرحى بين بطنها كان ولله تسبب في احيام فنس محتوت مترك تعظيم الميت فالاهيا عاد لل يحرص مهم في الاشباه والتلاكر لا بن نجيم الضروم الت بهج المحظوم الت ومن أهم عان كال المنت عند المخمصة واساغة اللقمة بالخير والله عنه الكند والله عنه الكند الكواه وكذا الكلان ما خيره والاثباه من من وفي الاشباه ص ١١٠ المنافي والاثباه من من من الاثباه المنافي من من من من الاثباه المنافي من من من الان روع اعظم هماضي ا باس تكاب إلتفهما (الاشباه من ١١١)

The tenct has been described in Takmilah Bahrur Raiq under the description of

'Prohibited and Permissible' and in Nanadir, that if a foetus gets stuck in the uterus and it is not possible to extract it without cutting into pieces, and if not done so there is a fear of mothers death, there is no harm (in cutting it) if the foetus is dead (in all probabilities). But if it is alive (in all probabilities) then it is not permissible, because Islam does not allow saving of one life by destroying another. And if a pregnant woman dies and the foetus remains stuck in her womb, it should be extracted by cutting open the mothers womb if the foetus is alive, because this action would be the cause of saving a venerable life by ignoring the sanctity of the deceased. Hence saving the life of the child is preferable.

And it has been mentioned in Ishbah-o-Naza'ir by Ibn Najim that constraint makes the prohibitions permissible. The outcome of this is that in a state of extreme constraint, eating the flesh of dead becomes permissible, and if a person is compelled to take alcoholic drinks, or utter words of disbelief or destroy others property etc., it becomes lawful for him to do so to save his life. (Al-Ishbah p. 108)

And it is further established that if there be a confusion about the options in various harms, the greater harm will have to be determined and the lesser evil would be adopted (Al Ishbah p. 112).

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(٧) وفى المحتار بنيل فعيل البيرس الطهارة فى النهاية عن الذه برقي عن الذه المعتارة ا

It has been reported in Radd-ul-Muhtar, "It is lawful if he knows that there is cure in it, and that he does not know any other medicine (for this disease)".

And it has been adopted form the statements of my reverend teacher that differences are not apparent in the deliberations of the jurists because all are unanimous on its permissibility in a state of desperation. And the condition of "knowledge" laid down by the author of Nihayah is not against the injunction that a cure must be certain. For this reason my father has stated in Sharah-al-darar that his statement is based on conjecture otherwise its excuse as a certainty is unanimons as has been explained in Musaffa. I say that this is in conformity as has been mentioned in the discussion on Imam's narration, but I also know that absolute knowledge can not be attained from what the doctors say, and apparently highest probability is attained from experience but certainty cannot be claimed, except that by knowledge they mean "highest probability and this is apparent from his words (Radd-ul-Muhtar)

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(٧) وفى المعنارة بيل تعيل البيرس الطهامة فى النهاية عن النفيرة 4 يجوز ان علم نيه الشفاء ولم بيدم دواء أخر دونيه بعد ذلك دافا دسدى عبد الغنى انه لا يظهر الاختلاف فى كلامهم التعناقهم على الجواز للفن درة واشتراط معن المعناء ولذا قال واشتراط معن بعده الشفاء ولذا قال والدى قال في شرح الدرم ان قله لا للت اوى محمول على المطنون والإنجازة والدى قال في شرح الدرم ان قله لا للت اوى محمول على المطنون والإنجازة باليقينى الفاتى كامترح بدفى المصنى - اقول وهوموا فق للمترفى الاستلال بعدل المام - مكن قد علمت ان قول الا لمباء لا يحصل بد العلم - والظاهر ان الجرمتري عمل غلبة الظن وون اليقين الاان بويد وابالعلم غلبة الظن وون اليقين الاان بويد وابالعلم غلبة الظن وهو شائح فى كلامهم فقامل ورد المعقلي)

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المادن تا من المساولة عن المال شرع المهذب التواعا المالة المساولة المساولة

Example from Shafa'i school of thought; It has been described in Sharah-al-Muhazzab that if a person becomes desperate and does not find anything to eat would it be permissible for him to cut a piece of his body and eat it? It has two aspects. Abn Is'haq says it is permissible because with this a whole life will be saved by sacrificing a small part, first as amputation of a gangrenous or concerous part is permissible to save the life.

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has stated in his 'Al-Mughni' p. 594, vol. 8. That the reason for permissibility is the necessity for saving a life because this implies a greater prudence for using the impure and unlawful that abstaining from it.

The above discussions prove that according to the Quran and national consensus saving the life by the use of forbidden things without

tawful. Where relaxations and concessions have been provided in Islamic law in situations that are not desperate has been described in the following lines.

RELAXATIONS IN ISLAMIC LAW FOR TREATMENT AND MEDICATION IN NON-DESPERATE SITUATIONS

The fifth axiom is that whether in analysisms law are not deparate or those of constraint that is where life is not in danger but the illness and alment is severe and the use of published and unlawful medicines etc. can sense it fand which has been termed as "Need" the use of furbiblies medicines etc. is permissible to any extent or not? In this connection Islam has mais a relaxations for the ill person in affairs of eigenserites such as Salah. Fasting etc. These has been there's and explicitly mentioned in the Que an and Prophetic Traditions (Hadith) and see well known to every Muslim. But the use of behavior that is now desperate actuations to the separate that is not permissible without that sample that the use of unitawish and mainly the legal experts of Islam mainly left in the the legal experts of Islam mainly of the that the use of unitawish and has a see not permissible without that the use of unitawish and has a most permissible without that the use of unitawish and has a see that the use of unitawish and

ره) دس نقدالثانعية - قال في شرح المهذب التوى الناضطي ولميد . شيانهل يجز له ان يقطع شيئاس بدنه ويأكله ؟ فيه وجهان! قال الو اسمن يجز لانه احيار نفني لعمنونها تركايجزان يقطع عضوا افا وقعت منيه المثملة لاحيار نفني لعمنونها تركايجوزان يقطع عضوا افا وقعت منيه المثملة لاحيار نفني وشرح مهذب من ١٣٥٩)

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6.

ربى ومن فقد الحنابلة قال ابن قدامة في المغنى مدوم وسببالا الحاجة الى مفظ النفى عن الهلاك لكون هذه المصلحة الحاجة الى مفظ النفى عن الهلاك لكون هذه المصلحة اعظم من مصلحة اعتاب الناسات والصيانة عن تناول المتعبثات الهم

Example from Hambli school: Ibn-e-Qadamah has stated in his 'Al- Mughni' p. 594, vol. 8. That the reason for permissibility is the necessity for saving a life because this implies a greater prudence for using the impure and unlawful than abstaining from it.

The above discussions prove that according to the Quran and national consensus saving of life by the use of forbidden things without exceeding the limits in a state of desperation is lawful. Where relaxations and concessions have been provided in Islamic law in situations that are not desperate has been described in the following lines.

RELAXATIONS IN ISLAMIC LAW FOR TREATMENT AND MEDICATION IN NON-DESPERATE SITUATIONS

The fifth axiom is that whether in situations which, in terms of the Qur'an and Islamic law are not deparate or those of constraint, that is, where life is not in danger but the illness and ailment is severe and the use of prohibited and unlawful medicines etc. can remove it (and which has been termed as "Need"), the use of forbidden medicines etc. is permissible to any extent or not? In this connection Islam has made a relaxations for the ill person in affairs of religious rites such as Salah, Fasting etc. These have been clearly and explicitly mentioned in the Quran and Prophetic Traditions (Hadith), and are well known to every Muslim. But the use of forbidden things in non-desperate situations is not explicitly mentioned, hence a difference of opinion exists among the legal experts of Islam. Some of them state that the use of unlawful and prohibited things is not permissible without "Necessity" and "Desperation" irrespective of the severity of illness or ailment.

In such situations all treatment should be carried out through lawful means only. Their argument is based on the saying of the Prophet (as reported in Sahih

The other argument of the multitude is based on the incidence that occurred in the battle of Kulab in which a companion, 'Urfujah bin Asad' lost his nose and he fixed a silver nose on its place but that used to give an offensive smell. The Prophet asked him to replace it with a nose made of gold because gold does not decay. This has been reported in Abu Daud, Tirmizi, Nisai, Musnad Ahmad etc., and the jurists of Islam have accepted it as authentic. Here the use of gold has been permitted while ordinarily wearing of gold is forbidden for males. It has been reported by 'Ali Abu Musa Ash'ari, 'Abdullah bin

Amir and others that the Prophet once come out of his house holding a piece of silk cloth in one hand and gold in the other, and said.

طنان محرمان على ذكورامتى طني المعاقد

والنان وابن ماجة واهده وابن حبان رتخريج هداي للزملي معمى

Both these things are forbidden for the males of my people and are permissible for females.

In the incidence of 'Urfujah the permission to use the nose of gold was obviously a means of treatment while there did not exist state of desperation nor was there any risk to his life.

It appears from this that even in non-deparate situations if the ailment is severe there is room for the use of forbidden things if no other means of treatment is available, and with the condition that it is proved from a specialist doctor that the forbidden substance alone is the remedy for that ailment and no lawful means can be a substitute to it and effectiveness of that substance in the cure of that ailment is technically certain.

The details of conditions and arguments given by various jurists are as under.

فالدى المفتاى نبيل فعل البر المستنف في التداوى بالحرم فظاهر للنم المنع كافى مناع البحود كان تقل المصنف شقر وطهنا عن الحاوى تيل برخص اذا على مذيه الشفاء ولسم يعلم مدواعً آخو كما محم في الخنو العطشان وعليه الفتوى قال بالشفاء أخفى النها بية عن الذه يم يجوزان علم في الشفاء المنتوى قال بالنافية في معنى قول عليه العملوة والدي النافية لي معنى قول عليه العملوة والدي النافية ليكم مناء كرنيا موم عليكم كما مواه البغاري الما في هشفاء لا باس به كما يمل الخر مناء كرنيا موم عليكم كما مواه البغاري الما والما المناق في المجاني المناق الم

In such situations all treatment should be carried out through lawful means only. Their argument is based on the saying of the Prophet (as reported in Sahih

Bukhari) (Allah has not kept any cure for you in forbidden things). But the multitude of jurists have agreed in this matter from the incidence of people of 'Uraiynah' which is mentioned in authentic books of Traditions. These people were suffering from a disease and the Prophet had permitted them the use of camel's milk and urine. There are however, several conjectures possible in this incidence, They might have been in a state of necessity and desperation or may be that only the external use of these substances was permitted. Hence a definite law from this incidence can not be deduced.

The other argument of the multitude is based on the incidence that occurred in the battle of Kulab in which a companion, 'Urfujah bin Asad' lost his nose and he fixed a silver nose on its place but that used to give an offensive smell. The Prophet asked him to replace it with a nose made of gold because gold does not decay. This has been reported in Abu Daud, Tirmizi, Nisai, Musnad Ahmad etc., and the jurists of Islam have accepted it as authentic. Here the use of gold has been permitted while ordinarily wearing of gold is forbidden for males. It has been reported by 'Ali Abu Musa Ash'ari, 'Abdullah bin

Amir and others that the Prophet once come out of his house holding a piece of silk cloth in one hand and gold in the other, and said.

طنان محرمان على ذكورامتى على الماتهم على المعاقد

والنان وابن ماجة واحدد وابن حبان رتخريج هدام للزملي معلى

Both these things are forbidden for the males of my people and are permissible for females.

In the incidence of 'Urfujah the permission to use the nose of gold was obviously a means of treatment while there did not exist state of desperation nor was there any risk to his life.

It appears from this that even in non-deparate situations if the ailment is severe there is room for the use of forbidden things if no other means of treatment is available, and with the condition that it is proved from a specialist doctor that the forbidden substance alone is the remedy for that ailment and no lawful means can be a substitute to it and effectiveness of that substance in the cure of that ailment is technically certain.

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Islam on Grafting & Transplanting of Human Organs
الناتخة بالدم على جبعته اوالفد عاز الاستشفاء وبالبوليا يعنان على منافرة المنافقة بالدم على جبعته اوالفد عاز الاستشفاء وبالبوليا يعنان على المعرضة ساقطة عندالاستشفاء كالله وهذا لان المعرضة المعرضة ساقطة عندالاستشفاء كالله ومن المعرضة المعرضة

وانادسيدى عبدالنى انه لا يظهر الدختلات فى كلامه مرلاتفاقهم على الجواز للفرورة - واشتراط ما عب النهاية العلم لا ينافي ه اشتراط من بهده الشفاء ولذا قال والذى فى شرح الدرمان توله لالمتدادى محمول على المنظنون والا نجحازه باليقينى اتفاتى كما صبح به فى المصنى اقول وهوظاه وموانى لامتد بدل بقعول الامام - لكن فتد علمت ال قول الاطباء كلا يعمل به العلم والظاهران التجدية يحمل به غلبة النان دون اليقين يمل به العلم والظاهران التجدية يحمل به غلبة النان دون اليقين الاان يريد وابالعلم غلبة النان وهوشائع فى كلامهم فتا مل رشاى قبيل فعل البكر - مسم ۱۹ ج ا - استنبول) ومثل ما ذكر نامن فقد الافنات يوجد في الفقد النائى والحنبل اليفائل اصرح واوضع منه و كا عاجية في الفقد النائل والحنبل اليفائل اصرح واوضع منه و كا عاجية

انىس دجسيع النقول والعله اعلىم ١٢مند It has been written in Durr Mukhtar before the chapter of Be'r that there is a difference of opinion about the treatment by forbidden things. The apparent doctrine is that it is not permissible as has been mentioned in Ridha-al-Bahr, but even there the author has mentioned that according to one narration if he knows that there is cure in that (forbidden) thing and no other remedy is known there is relaxation, just as taking alcoholic drinks is permissible in case of extreme thirst. Shami has stated under it that it has been reported in Nihayah by Zakhirah that it is permissible if he is sure that there is cure in the forbidden and no other remedy is known. And in khanujah the Prophetic narration. "Allah has not kept any cure for you in forbidden things" has been explained that there is no harm in the use of a forbidden thing if there is definite cure in it,

just as alcoholic drink is permissible for a thirsty person as a Necessity. And the author of Hidayah has also adopted the same view about analogy, and stated that writing of Surah Al-Fateha on the forehead of a person with his blood from epistaxis for cure is lawful, and also with urine if he knows that there is cure in it, but this has not been reported, and this is because prohibition becomes void for the purpose of cure just as alcoholic drink and dead meat become lawful for the hungry and thirsty in desparation.

And it has been adopted from the statements of my reverend teacher Abdul Ghani that differences are not apparent from the deliberations of the jurists about the permissibility in Necessity. And the condition of "Knowledge" laid down by the author of Nihayah is not against the injunctions that a cure must be certain. For this reason he has stated in Sharah-al-darar that his statement is based on conjectures other wise its excuse as a certainty is unanimous as has been explained in Musaffa. I say that it is in conformity as has been mentioned in the discussion on Imam's narration, but I also know that absolute knowledge can not be attained from what the doctors say and apparently highest probability is attained from experience but certainty can not be claimed except that by "knowledge" they meant "Highest Probability", and this is apparent from his words. And whatever we have reported from the Hanafi Jurisprudence, all that, rather more elaborate and explicit than that occurs in Shafa'i, Maliki and Hambli schools of jurisprudence and it does not seem necessary to quote all of them. Allah knows better.

PROBLEMS UNDER DISCUSSION ABOUT BLOOD AND HUMAN ORGANS.

The above axioms which have been described with relevant details are the fundamental problems in which the thinkers and observers can reach a definite conclusion after due thought and vision. Although these problems are quite new and did not exist at the time of revelation of the Qur'an and the ancient era, yet solution to any newer problems is not difficult for learned persons in the light of principles laid down by the Qur'an and prophetic traditions. Presently there are two subjects under study and discussion.

Firstly, Transfusion of one person's blood into the body of another person, and

Secondly, Transplantation of one person's organ to the body of another person.

BLOOD TRANSFUSION

Questions: (1) Whether transfusion of one person's blood into the body of another person is lawful or not?

(2) If it is lawful, can the blood of a person be obtained for this purpose as a voluntary donation free of cost,

or otherwise would it's sale and purchase be lawful?

- (3) Is there any difference between the blood of a Muslim and Non-Muslim for this purpose?
- (4) Does such transfusion of blood affect the marital status of a married couple.

Answers: (1) Blood is a component part of human body and when taken out it becomes impure. Ordinarily it implies that under normal circumstances transfusion of one person's blood into another would be unlawful. Sanctity of human parts also demand the same, so does its impurity and moral uncleanliness.

قال الامام التافئ فى الام وان ادخل دما تحت جلده فنبت عليه نعليه ان يخرج هذالدم دَيعيد كل صلاة ملاها بعداد فاله الدم تحت على و - الكاب الام ص به عجلدا قل)

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But considering the relaxations and concessions given by Islam in states of desperation and treatment of various ailments

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the matter that deserved attention is that prohibition of the use of blood can have two reasons. Firstly, blood is a component part of human body, and the use of a human part is not permissible.

Secondly, blood is impure and hence prohibited.

As far as the first reason is concerned, this has been discussed in detail and it is established that although it is a component part of body yet the Technique of its transfusion does not require any surgical precedures in the body parts but it is drawn and transfused by means of injection. Thus its state becomes akin to human milk which is extracted without any surgery and becomes a component of another person's body. In view of the need of the child Islam has considered this very milk as his food and causing the mothers to suckle their babies is not only made permissible but obligatory under normal circumstances, Even for adults, woman's milk has been made lawful as medicine and a remedial means in diseases. It has been mention in 'Alamgiri

There is no harm in that woman's milk be injected in man or used by him as medicine).

Hence in the capacity of being a component of human body if blood is regarded at par with milk it is not any thing un-imaginable. Hence it can be said that blood transfusion may be lawful as a necessity just as Islamic law has made woman's milk lawful for infants as a necessity despite its being human component.

Islam on Grafting & Transplanting of Human Organs

Now remains the other reason for prohibition of the use of blood that it is not pure and not clean. This has been discussed in the preface.

Thus, following injunctions have been drawn in regard to Blood Transfusion.

- 1. Blood transfusion is lawful when there is a necessity for it and where there is a definite risk to the life of a patient, and in the opinion of a specialist doctor there is no other way of saving his life.
- 2. Blood Transfusion is also lawful when there is a Need for it, that is, there be no risk to life but in the opinion of a specialist doctor restoration of health may not be possible without it.
- 3. When there is an option for not giving blood but it is better to abstain from it الماقد الهندية والالتال الطبيب يتعبل شناءك يه وجهال رسوء (As occurs in Hindiyah, and if the doctor says you will be cured earlier, then there are two options)
- 4. When blood transfusion is meant only for additional benefit or as beauty treatment, that is, there be no risk to life or danger for the disease to be prolonged, but

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transfusion is done only for extra vitality or beautification, it is not permissible at all.

Question: (2) Is the sale and purchase of blood lawful for the purpose of transfusion

to a patient?

Answer:

Trade of blood is not lawful, but if the conditions that make its transfusion lawful are present and blood is not available without paying for it then it is lawful to buy it. But it is not proper for the donor to accept the price. The views of legal experts of Islam in this

matter are as under. فالمابيع لبن الوكرميات نقال المداكره وانقلقالهما بناف جوازه فظاهم كلوم الخرق طرة لتولد وكل المنه النفعة وها اقول بن عامل ومن هب الشافي وذهب بماعة من اصحابنا الى تحريد بيعم وعومل هب ابى عنيفة لانه ما لع عارج من اد مية فلوعيز سعه كالعرى ولانه من آدمى قاشيه سائر الجزاءة والاول وم لانه لبن طاهر مشقع به في ان سعة كلبن الشاة ، ولان محوز اخذا لعوض عنه في الجراء اللئرفاض المنافع ويفارق العرق فأته لاتفع فيه ولذالك لاساع عرق الشاة ويباع لينها وسأترلين الادى بجوزبيعها فانه بجوزبيع العبلاق الأمة ، وإنا حرابيع الحرلانه ليس بملوك وحرابيع العصو المقلوع لانه لانفع فيه والمغنى لابن قل متروى ٢٠٠٠ جهم وقال الشافق يجوز بيعد لين المرأة الانه المنوب طاهروالى قولدم وعن الي يوسف يجوز سع لبن الامة ولا يجوز سع شعرا لخنزسر لاله يحس العين فلا في الموزمورا فانه لن ويجوز الانتفاع به بلخوز للمورية والى قوله) ولوجل ماح الاصل فلاضرو فالكليع إصابين له قوله فالا فعرورة قال الفقية الوالليث ال كانت الاسالفة لا يجل ون شعر لخنز يوالا بالشاع ينبى ال يجول لا التراء النووكارنهايه) ال شعر الخازير لوجد مباح الاصل فلان وعلى مفا قيل اذاكان لا يحد الدراء المناه المناع المناه ا الابالمنع جازميع مكن لنن لايطيب للبائع رعين اروهوراى شعر الخنز يرريوجدماح الاصل فلاحاجتاني بيعه الله يكن بيعه فحمحل الفتري حق يجوزوعلى هذا قال الفقية الوالليث فلولم لوجد الابالثم اع عارشوامة لشول الحاجة اليد قل قبل ايفران الفرورة ليست ثابته في الحرزية بل عكن الن يقام بنورنع القلامة ونجى العين لا يجوز سعه اهانة له وبجوز الانتفاع به للغير اللفور كالان غيرة لا يعمل عمله فان قيل اذاكانكنالك وحيان يجوزيعماجاب بانه يوجد ميل الاصل فلاضوع الى بيعم وعلى هذاقيل ذاكان الابوجدالابالبيع جازيبيه تكن الثن لايطيب للبائع وقال الجالليث انكانت الاساكفة لا يجداون شعر الخنزيرالابالشواء ينبغي ال يجون لله والتواء - الخنزيرالابالشواء ينبغي ال يجون لله والتواء -

According to Imam Ahmad, trade of human milk is not desirable. Our companions differ on this issue. The view appears to be supported by the words of Kharqi "Every such thing that carries benefit". The same is stated by Ibn Hamid and is the belief of Imam Shafa'i. But a group of our companions believes that it is forbidden. And the belief of Imam Abu Hanifah is the same because milk is such a liquid that comes out of the body of a woman hence its trade will not be permissible like sweat which also comes out of human body. Hence milk is also like other parts. But more appropriate is the first view because it is a pure, beneficial milk hence its trade will be permissible like that of goat's milk, and also for the reason that it is lawful for a wet nurse to get paid for suckling a child. In that case it is akin to profit.

And it is different from sweat that there is no profit or benefit in it hence the sweat of goat is not sold although its milk is sold.

And the trade of all human organs is lawful because the trade of slaves is also lawful. The trade of free person's not lawful and is forbidden because he is not owned by any one, and the trade of a severed organ is not lawful because there is no profit in it (Al-Mughni by Ibn Qadamah (p. 260 vol. 4)

Imam Shafa'i has stated that the trade of woman's milk is lawful because it is a pure drink.

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Answer:

Trade of blood is not lawful, but if the conditions that make its transfusion lawful are present and blood is not available without paying for it then it is lawful to buy it. But it is not proper for the donor to accept the price. The views of legal experts of Islam in this matter are as under.

فالمابيع لبن الادعيات تقال المل اكرهم وانقلق أصحابناني جوازه فظاهم كلوم الخرق جوزة لسولة وكل المنه المنعة وهذا تول بن عامل ومن هب النانع وذهب جماعة من اصحابنا الى تحريم بيعم-دهومل هب ابى حنيفة لانه ما لع عارج من اد مية فلو يزبيعه كالعرق ولانه من آدمى فاشبه سائر البزاءة والاول وم لانه لبن طاهر منتفع به في ان يبعد طبن القالة ، ولان مجوز اخذا لعوض عنه في الجارة اللئرفاشيه المنافع ويفارق العرق فأنه لانفع فيه ولذالك لايباع عرق الشاة ويباع لبنها وسائرلجن الآدى بجوزبيعها فانه بجوزبيع العبلاق الأمتر وإنا حرابيع الحرلانه ليس بملوك وحرابيع العضو المقطوع لانه لانفع فيه والمفنى لابن قل مترص ٢٠٠ج ٢٠ وقال التافئ يجوز بيعد لبن المرأة ولانه منوب طاهر رالى قولى وعن الي يوسف يجوز بيع لبن الامة ولا يجوز بيع خعرا لخنزير لانه بحس العين فلا ح برزمير المانة لذ ويجوز الانتفاع بالم المخوز للصورة (الى قوله) ولوجل مباح الاصل فلا ضروفالى لبيع إصابين في له قوله فلا فيرورة قال الفقية الوالليث ال كانت الاسالفة لا يحل ون شعر لخنزير الا بالشاء ينبغ ال يجزى لهد النواع النواع الناف ومرا والن شعر الخنزير لوجد عباح الاصل فلانور في إلى بيعه وعلى هذا قيل اذ اكان لا يوجد الإبالبيع جازبيه لكن لثن لايطيب للبائع رعين) (وهو)اى شعرالانزير ريوجد مباح الاصل فلاحاجة الى بيعه وفريكن بيعه فحصل الضورة حتى يجوزوعلى هذا قال الفقية الموالليث فلولم لوجد الابالشواع مريع المرشوامة لشول الحاجة الدرق ليان الفرورة ليست ثابتة فى الحزرية بل يكن ال يقام بغير الفع القديرة م ونجى العين لا يجوز سعه اهانة له ويجوز الانتفاع به للغوز للضور كالان غيرة لا يعمل عمله فأن قيل اذاكانكذالك وجبان يجوزبيعماجاب بانه يوجد مبلح الاصل فلاضوع الى بيعم وعلى هذا الحاكان الايوجدالابالبيع جازبيه تكن الثن لايطيب للبائع وقال الوالليث ان كانت الاساكفة لا يجداون شعر (عنايرعلى هاعش الفع ص١٠٠١) الخنزيرالابالشواء ينبغى ان يحون لهوالشواء-

According to Imam Ahmad, trade of human milk is not desirable. Our companions differ on this issue. The view appears to be supported by the words of Kharqi "Every such thing that carries benefit". The same is stated by Ibn Hamid and is the belief of Imam Shafa'i. But a group of our companions believes that it is forbidden. And the belief of Imam Abu Hanifah is the same because milk is such a liquid that comes out of the body of a woman hence its trade will not be permissible like sweat which also comes out of human body. Hence milk is also like other parts. But more appropriate is the first view because it is a pure, beneficial milk hence its trade will be permissible like that of goat's milk, and also for the reason that it is lawful for a wet nurse to get paid for suckling a child. In that case it is akin to profit.

And it is different from sweat that there is no profit or benefit in it hence the sweat of goat is not sold although its milk is sold.

And the trade of all human organs is lawful because the trade of slaves is also lawful. The trade of free person 's not lawful and is forbidden because he is not owned by any one, and the trade of a severed organ is not lawful because there is no profit in it (Al-Mughni by Ibn Qadamah (p. 260 vol. 4)

Imam Shafa'i has stated that the trade of woman's milk is lawful because it is a pure drink.

Imam Yusuf had stated that trade of woman's milk is lawful but that of pig's hair is forbidden because it is absolutely polluted, to reap benefit from them is permitted for cobbler as a necessity and since explicit permissibility is obvious there is no need for trade.

Jurist Abul laith has stated that if the hair of mountain pig's can not be obtained except on payment such a purchase is lawful in a Necessity. By themselves pig's hair are lawful hence there is no need to sell them. And it is on this basis that it has been said that their trade would be lawful if not available otherwise but to accept a price is not lawful for the seller.

The trade of pig's hair is not subject to necessity because it is lawful, that is why Abul Laith stated that buying them is lawful if not obtainable otherwise. And according to one narration its necessity for shoes etc. is not proved because substitutes are available (Fateh-ul-Qadir vol. 5, p. 202).

The trade of "absolutely unclean" is not lawful due to its detestation but for the cobblers it is lawful to reap benefit from it for shoes etc. as a necessity, because its alien does not substitute it. If it is said that the matter is like this the trade would then become lawful, but the fact is that inherently it is permissible hence its trade is unnecessary. That is why it is stated that its trade would be lawful if it can not be obtained

without it, but for the seller its price money is not lawful. Abul Laith has sated that it should be lawful for the cobbler to buy its hair if he can not get them otherwise. ('Inayah'ala Hamish Al-Fatah vol 5, p. 202).

Question: (3) Is it lawful to transfuse the blood of a non-Muslim person into the body of a Muslim?

Answer: In essence there is no dispute in its validity. But it is obvious that the evil effects of an unbeliever, transgressor or sinner found in his blood carry a risk to affect adversely on his moral if transferred into the recipients blood. For the same reason the scholars of Islam have not liked the suckling of a child by a transgressor or sinner woman. Hence it is recommended to abstain from the blood of unbelievers, transgressors and sinners to the extent possible.

Question: (4) Is the transfusion of husband's blood to the wife and vice versa lawful or not?

Answer:

Transfusion of husband's blood into the wife's body or wife's blood into the husband's body does not affect their marital status, and their inaterimony remains valid, because Islam has specified it with lineage and fosterage, and it to not proper to exceed these Imam Yusuf had stated that trade of woman's milk is lawful but that of pig's hair is forbidden because it is absolutely polluted, to reap benefit from them is permitted for cobbler as a necessity and since explicit permissibility is obvious there is no need for trade.

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Attestations by the participants of the committee.

- 1. Rashid Ahmad, Mufti, Ashraful Madaris, Karachi.
- 2. Muhammad 'Ashiq Ilahi, Buland Shehri, Lecturer, Dar-ul-Ulum, Karachi.
- 3. Wali Hasan Tonki, Mufti, Madrasah 'Arabia Islamia, New Town, Karachi.
- 4. Muhammad Rafi Administrator,
 Dar-ul-Ulum, Karachi.
- 5. Muhammad Yusuf Binnowri, Founder, Madrasah Islamia. New Town and Patron monthly "Baiyyenat" Karachi.
- 6. Muhammad Taqi 'Usmani, Lecturer, Darul 'Ulum, and Editor, monthly "Al-Balagh," Karachi.

PROBLEM OF HUMAN ORGAN TRANSPLANTS

context modern surgical advancements have exhibited amazing and miraculous feats, and apparently a very useful chapter in the treatment of diseases has been opened by using the body part of one person in removing the affliction of another person. But every useful thing can be said useful only when it is not accompanied by damages and personal or natural harm more than the benefits, because there is no crime is the world that does not have some benefit or the other in it. Theft, kidnapping, sexual abuse, intoxicants, usury and gambling etc. do have some benefits in them. That is why a great number of some people get involved into it, but since they have more harms than benefits and collective national damages no wise person in the world would call them useful.

It is, therefore, necessary that harmful aspects of the transplants of human organs should not be ignored alongwith their useful aspects.

THREE FORMS OF HUMAN ORGAN TRANSPLANTS

One form that is in practice since ancient times, is to find a substitute for a part of human body from vegetations or minerals and make them useful through technical skill. For example,

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THREE FORMS OF HUMAN ORGAN TRANSPLANTS

One form that is in practice since ancient times, is to find a substitute for a part of human body from vegetations or minerals and make them useful through technical skill. For example, artificial denture, artificial hearing aids etc. are in practice sine ancient times and scientific advancement has recently given a great boost to it, and there is a vast field of progress ahead. Such artificial parts have even been used by the companions of the Prophet Mohammad with his permission.

The second form is that this purpose be achieved from the organs of animals. This was also in practice from ancient times, and the latest medical researches and surgical advancement has made new discoveries in it. If the experts in these fields pay full attention further discoveries and more and more useful and successful remedies can be expected.

Both the above forms are harmless ad risk-free from material, religious, personal or national, and all other aspects.

The third form is the treatment of one person with the organs of another person's body, and this is presently the subject of our study and discussion. In this form no doubt there are many benefits that can be observed, for example a blind person could see after the transplant of a dead persons eye in him. But side by side with them it has many harmful aspects which can lead to the destruction of entire humanity. Hence it is essential to keep in view the harmful aspects before promoting this practice through research and experience. Such harmful aspects are:

1. Allah has created the entire universe and all other things for the use and benefit of mankind, and the human being has been created as a benifciery and user of the entire universe. The verse of the Qur'an

وَلَقُلُ كُرُ مُنَا بَيْ الْدَمُ الرَّهُ الْنَ يَكُمْ عَلَيْ الْدَمُ الرَّهُ الْنَ يَكُمْ عَلَيْهُ الْا أَنْ الْا يَعْ الْمُونِ عَيْنَاهُ (Whatever is in the earth has been created for you, and, Indeed we gave sanctity to mankind).

Human beings use all the creations, minerals, vegetations, animals for their benefit, and for this to achieve he cuts and clips them or reshapes them through chemical changes and other mechanical means. Only in case of animals some restrictions have been laid down and due to the sanctity of a living soul, and within those limits man uses all the parts of an animals for his purposes.

If the same treatment is given to man that his skin, hair and organs are subjected to cutting and clipping for the use of other person this will be against human sanctity and honour and the divine intentions of his creations. That is why use of human organs through their trade and clipping and cutting etc. has been declared as severe crime and totally forbidden. The learned intelligentia of the world has accepted this view in every era of time and the religious dogma of every divine messenger has remained the same. The Christian world is on the forefront in promoting this injudicious use of human organs, but even in Christianity this is not permissible.

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Islam has forbidden the use of one person's organs for another person even with the consent of the former, nor has it given a right to anyone to donate any part of his body to another person with or without payment.

2. The Creator, Almighty Allah has made the human being a specific expedition of his supreme authority and power. He has installed in him such delicate and automatic machines of speech, sight, hearing and cognition etc. that the ancient and modern sciences together could not construct any part of it. The existence of a human being is infact a mobile factory fitted with numerous delicate machines. The Creator has bestowed all the machines to man as a trust, and not made him their owner. However, he has given such a freedom and power to use these official machines that man begins to think that he himself is the owner of his life and all his body parts. But this is not the fact. Just as an attempt of suicide is a crime the voluntary donation of any of his components is forbidden even without any remuneration. The legal experts of Islam have deduced from the explicit injunctions of the Qur'an and Traditions that for a man dying of hunger and thirst eating or drinking of dead animals parts and other forbidden things becomes lawful, but even in that state he is not permitted to donate his flesh or any other part of his body to another person. This is because sale 'and purchase or gift and charity can be done only

on things that are owned by the man. Human soul and organs are not his possession and hence he can not give them to any one.

3. Modern inventions and advancements in medicine and surgery have indeed exhibited excellent technical skill. Transplant of one person's eye into a blind person restored vision for him, or that of one person's kidney, heart etc. into the other cured his ailiments. The manner and style in which this is being done now- a-days have laid some restrictions that outwardly safegunded the harmful effects that could bring disaster to the entire human society because such organs are taken as voluntary donations only from the persons whose death is certain due to illness or as death penalty.

But any wise person having insight and experience of the world shall not be satisfied with such arbitrary restrictions. If this system of treatment became freely prevalent one of its immediate effect would be that the eyes, kidneys and other organs of the poor people would be selling as a commodity in the open market¹, and

(Sunday Mashriq, 25 December 1967)

Contd.

^{1.} Recently an incidence published in the urdu Daily of Pakistan "Mashriq" in their issue of 25 December 1967 has not only confirmed the impending danger but has challenged the sense of honour of the religious Muslims that the Europeon contries have declared this business as immoral and artireligious and banned it. Now it depends totally on the demoralised persons in this trade. Full text of the report is as under.

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for the sake of their children they would willingly make the sacrifice.

The rich and prosperous have already filled their houses with the wealth and all things of comfort and need, which millions of people are deprived of. But the Creater has kept an amazing equality about the human parts and organs between the rich and the poor, so that a starving child dwelling on the foot-path has been given the same tongue and ears which the biggest

THEY SELL HUMAN SKELETIONS:- Internal skeletions of human body are prepared by two British Firms, and are exported to the entire world. Their basiness is booming and hence the show cases of these companies are always full of human skeletons.

Real and artificial Plastic skeletions are sold there. Their customers are generally the Medical Schools and various educational institutions. Almost every where in the world such skeletions are imported from England. With the regular increase in prices of other things the cost of the bones of dead persons has also become very high. The price of one skeletion articulating at least 200 bones was about £8 before the last world war but now (in 1967) it costs £60 and the skull is only 15 Sh-Human bones which are exported from Asian contries to England are clean & white.

These factories are experts in articulating these bones to a complete human skiletion in which the joints are freely mobile like a living person.

Adam Rawelli & Co Ltd. on Tattenham Road are very popular in preparing skeletons. After completing a skeleton from imported bones it is immediately exported.

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The problem arises when the bones become scarce. A spokesman of this firm stated that before the war real bones were imported from Russia, France etc for use in hospitals, medical schools and educational institutions, but these countries have now placed restrictions on the export of human bones and declared it as illegal. The reason is partly religious and partly moral, and the human bones are now exported only from Asia, and if these countries also ban the export, a crisis will be faced.

In order to face such a situation the British Firms have prepared human skeletion from artifical substances, and they have named this skeletion as Sam. They are being used by several educational institutions for use in practical demonstrations. Full length Sam is 5 ft. 7 in. and its price is £38,sh.9. (This was in 1967).

Inlemal organs of the body are also prepared buy M/S Scientific Plastics Ltd., Surry, England. The price of an artificial heart is £13 sh. 3, artificial brain £11 sh. 10, they also prepare artificial ears priced at £10. In the eardrum of this artificial ear similar waves are produced after the sound as are produced in the real ear. The breathing system of man is also made artificially for the benefit of students. Its price is £19, sh.15. Life-saving method (artificial respiration) can easily be practiced on this plastic man filled with artificial breathing apparatus because its artificial lungs work in the same manner as the human lungs do.

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organs. It is also possible that the medical experts of the future might find some way of preserving the organs for long period as is the case with blood. In that case there will be human organ banks which will be buying the dead bodies for this purpose, and no dead person will be safe from them. The funeral rites and burial etc. will not be needed. And if (God forbid) this continues then it will not be confined to those who die a natural death, but slaying and murders will become a routine, causing widespread destruction of the entire human society.

For giving sight to the blind and health to the sick persons different methods of treatment have remained prevalent and had been successful in many diseases. There are also many such patients whom no system of treatment can save from death.

If the modern methods of surgery are fully encouraged by ignoring the moral and religious obligations and injunctions and combined efforts of all of them are put forward to propagate this system, can it still be assured that there will be no one blind left in the world nor will there be any patient deprived of good health.

It is every day experience that it is under the supervision of there modern Operation Rooms, hospitals for ill patients and expert doctors that thousands of patients breath their last and cross to the other world. The experiments are being

carried out in Western countries for many years for treatment through organ transplants but it is proved less successful than the Plastic Surgery and lasting effects could not be achived. The American Journal "Sayr Bin" has written in its issue of September 1967:

"Formerly, in the event of damage to the cornea of an eye it was replaced by the cornea obtained form the eye of a person immediately after death and who had willed to donate it. But for certain reasons, not thoroughly understood as yet many such transplants used to get dimined and the recepient used to get blind again. (P. 33).

Further, in the light of amazing experiments and discoveries of Plastic Surgery, it has been proved that organ transplant is difficult to achieve apart from being doubtful and unreliable. It needs a lengthy procedure and yet the organ cannot be used in every case. The same journal has written:

Before the satisfactory use of silicon and other compounds the surgeons had to rely on live cartilage and tissues. For this generally two operations had to be performed on the patient. The first operation was required because the patient's body did not accept the graft taken from another person or animal, and it used to start a biological resistance, but despite improvements in autografts certain problems remained unsolved. The greatest problem was that sometimes the body fluids accepted the new grafts after several

organs. It is also possible that the medical experts of the future might find some way of preserving the organs for long period as is the case with blood. In that case there will be human organ banks which will be buying the dead bodies for this purpose, and no dead person will be safe from them. The funeral rites and burial etc. will not be needed. And if (God forbid) this continues then it will not be confined to those who die a natural death, but slaying and murders will become a routine, causing widespread destruction of the entire human society.

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months. With the silicon organs the injured or diseased organs can be replaced for the whole life. In such a state it can not be said to be a wise thing to do to lead the whole nation to the road of distruction for timely and personal interest.

In short, of the three forms of transplant or graft of another person's organ or part in place of the oppressed part of a person the first and second forms are danger-free and harmless and also permissible from the legal religious points of view. The third option is dangerous, harmful and forbidden in the religion and moral ethics.

Hence the harmless way of human welfare remains that the surgical and medical experts consume their energy on the research and improvements of the first two forms. Hopefully the diseases and deficiencies for which cutting and clipping of human organs is felt necessary may become amenable to cure and correction from these two forms alone. The article published in "Sayr bin" referred to above with some exerts quoted from it fully endorces my view.

Although these medical researches are not the theme of our discussion here but are indeed very helpful, hence (the translation of) full text of the article has been reproduced as an appendix in the end of this booklet.

RELIGIOUS INJUNCTIONS ABOUT HUMAN PARTS AND ORGANS

In this context the explicit Qur'anic proclamations are that Almighty Allah has created mankind as the master of this universe. He is the legitimate user of all the creations and hence cutting, clipping and using his own parts and organs is his contempt and in contradiction to the intentions of creator. It has also been established that he is not the owner of the parts and organs of his body to allow him to use them as he wishes. As such a person can neither sell his life or parts of his body nor can he give them as a gift or donation to another perosn, nor can he destroy or kill them with his power and authority. In the Islamic law suicide or volantary donation, sale or gift of any part of his body is totally forbidden according to explicit Qur'anic injunctions and Prophetic Traditions. Even in almost all the religions and nations, and in the laws of common governments there is no room for these acts. Hence it is not legal and permissible even with consent and permission to severe a part or whole of an organ of a living person and transplant it in another person's body.

Juridical explanations of scholars of Islam are given as under.

مضطرلم يبعينة دفات الحلاك نقال له مجل اقطع يدى وكلها ادقال المحل اقطع عنى تطعة وكلها لا يبعدان يعلى ذالك ولا يصح اصرع بهكالاب المعنى المعالمات المعامن تفعة من نفسه في الكل كذا في تتاوي والمنان ومثله في الكل المناف المال المناف المنا

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A desperate and constrained person does not find even dead animals flesh to eat and there is risk to his life, and if some one offers him, "Cut my hand and eat it", or he asks the constrained person, "Cut any part of my body and eat it", this is not permissible for the costrained person nor the other person's offer is permissible, just as the constrained person is forbidden to cut a part of his own body and eat it (Fatawa-e-Alamgiri, Kitabul-Khatar wal Abahah, Chapter Al-Tadimi p. 310, vol 5). The same occurs in Fatawah Qazi Khan and Bazaziah as marginal notes in Hamish Al-Hindiyah P.118 vol. 6.

And in Sharah Sayr Kabir it is stated, "Do you not know that if a person gets in a state of constraint or desperation it is not lawful for him to eat from any of the children of Muslims to save himself from dying".

But so far the plysicians and surgeons have not suggested the use of organs of living persons, hence further discussion on this topic is un-necessary. There are just two problems needing discussion as they are being faced in the hospitals and for which appeals are being made that the consent of a person dying due to discase or as a punishment for a crime be obtained that a particular part or organ of his body may be severed and transplanted into another person.

This state is apparently very beneficial in that all the parts of such a person would

ultimately perish after death and if some of them may be used for living person as a remedy for his afflictions what is the harm in it? This is such a matter that ordinarily people look only towards its beneficial aspect and its disastrous effects do not come before their view, and which have been described in the preceding pages. Since the Islamic doctrine of life is based on the safety and reforms of both extrinsic and instrinsic values of mankind it is beyond it to allow anything only for its apparent benefits ignoring the harmful and fatal outcomes inherent in them. Islam has forbidden the use not only of the useful parts of living persons but also of the severed and useless organs and parts. Cutting and clipping of dead persons' organs has also been declared unlawful. In this matter it has not permitted the use of these organs even with the consent and permission of a person, and it applies equally to Muslims and unbelievers, because this pertains to mankind as a whole. Sanctity of mankind has been given such a high status by Islam that nobody should ever be tempted to obtain human parts or organs for any purpose, and in this way the master of universe (human being) and his parts should remain over and above the things of common use as medicines, foods and other utilities after cutting clipping, grinding, seiving etc. There is a consensus on this issue among all the four Imams and jurists of all the nation, and it is not only the doctrine of Islam, but earlier A desperate and constrained person does not find even dead animals flesh to eat and there is risk to his life, and if some one offers him, "Cut my hand and eat it", or he asks the constrained person, "Cut any part of my body and eat it", this is not permissible for the costrained person nor the other person's offer is permissible, just as the constrained person is forbidden to cut a part of his own body and eat it (Fatawa-e-Alamgiri, Kitabul-Khatar wal Abahah, Chapter Al-Tadimi p. 310, vol 5). The same occurs in Fatawah Qazi Khan and Bazaziah as marginal notes in Hamish Al-Hindiyah P.118 vol. 6.

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religions and all other religions and nations of today have the same law in practice.

Explanations of Islamic jurists in this matter are as under.

(١) قال في شرح السيرا تكبير دفيه دليل جواز المداواة بعظم بالم وهذا الان العظم لا يتنجى بالموت على pig is absolutely impure and taking any benefit نظم بني كلحد لا يجون الانتقاع بم بحل دالادمى محتوم بعد موتد على ما كان عليه في ها ته فكما لا حوز التلاوى الناس الآدى الى اكراماً له فكن لك لا يجزى التل وى بعظم الميت قال رسول الله علية مم كرعظم الميت ككرعظم في ١٥٠٠ وع ا- فيع وكن؛ على في المهاجة ويرع غورالانسان ولا الاستفاع به لان الادى كرم سينك ويرنان يكن شئ مناجنا يتمهلنامية ولارهداي وقال ابن عام في شريد في بيعدا طانة له كذا في التها فالانتفااله وخلدن عامة كتب المذهب وف العناية فرح الهداية وجلد الآدى تكرامة لتكري تجاسه الناس علىن كرمهالله باتبال اجزائم كال بن الهمام في توضيح بعض المسائل ان الاتفاق على ان حرمة الملح مناكرمة حااهدون الدى الخارمن البع الفاسل وشعرالا تساك وتم الآدى ولوكان كافراذكره المصنف وغيرانى بحث شعرالخنزير-قال الشامى قوله و ضعرالانسان لا يجون الانتقاع به لحديث لعن الله لوسلة والمتوسلة توله ذكرة المصنف حيث قال والادمى مكن شرعا ولوكان كافرا فايرادا لعقل عليه والتلكه بهوالحادربالجادات الالله وعاعى عن وفالعالمين بالتلاوى من الحقووالا باحة الانفاع بلجزاء الآدمى لعريجز قيل للنجاست وقيل سكراهة هوالصحح كذافى جواهرالخطوى (عالميرى منوسع م) وفي البدائع من ١٦ جن م) ولوسقط منه مكرة إن بإخف من ميت فيف حامكان الاول الاجاع وكذا يكرلان يعيد تلك السن الماقطة مكانها عندا الى حنيف ولحسد و مكن ياخذ سن قا لكة فيشدها مكانها وقال الوليوسف لاباس لبندوبكره من غيرة - ومثلف خلاصتنالفاوى عداه عرون المنديد مناع ٥ وفي البحر مستلاحم وفي البحر الرائق وان قطعت اذند. قال الولوسعة على الباس بان يديد ها الحاممانها وعند ممالا يجزي رجومتا عا) واخاكسوللمؤة عظم فطارفلا يجزئون يول حد عجر ذكيا وكذالك ان سقطت من المرات مية ولا يجوزله ان لعيد معابعا مليانت فلا بعيل سن شي غيرس ذكى إلى لعدد وان رتع عظم معتقة اوذكى لايوكل لحد الوعظم انسان فهوكا الميت فعلي قلع واعادة كل الوقة مذباوهوعليان لونقاعليج والسلطان على قلعدفان يقلع حتى مأت لم تقلع بعد موتدلاته سارميتاكله والله عسية وكذالك سنراذ اندا كان اعتلت من قريطها قبل تندى فلاياس نها لا تصيرميت حق تقلمت الحلكاب الامورى باستامع عن اسماء نست المرقة الى البنى على لله عليه والم فالتيارسول اظهان بنتالي اماجها الحصبت فتمزق شعرها إفاصلى فيه وقالى سولاليه صلى للدعيه لنت الواصلة والموصولة كماب الام صريح عا-

هذاآخرما المتخاليرا دهوالله ولح التوفيق والسلاد وهوسيحان إعلم "It has been written in sharah-al-Sayr-al-Kabir," And it has valid argument for admissibility for treatment w ith someone's bone, and this is because we think that the bone does not become

impure due to death of a person because it is lifeless except that it be the bone of a human being or that of pig. Treatment with the bones of both of them is extremely undersirable, because from it is not lawful under any circumstances while a human being remains as honorofic after death as he was in life. Just as treatment by means of any organ of a living person is forbidden due to sancitity of mankind, treatment with the bones of dead person is also unlawful. The Prophet stated, "Breaking the bone of a dead person is the same as breaking that of a living person". It has been stated in Hidayah that sale and purchase od human hair and reaping benefit from them is not permissible because human being is honorafic and not deteslable, hence it is not lawful that any part of a human being may be disgraced.

Ibn-e-Hamam has stated in his "Sharah" that there is contempt in its trade. The same occurs in "Nihayah" and likewise in other religious books.

It has been stated in Sharah-al-Hidayah that the skin of man is not permitted for trade due to the sanctity of man.

While explaining certain tenets Ibn-e-Hamam has stated that there is consensus on that the dead person is as honorotic as the living. In Durr-e-Mukhtar sale and purchase of human hair has been described under unlawful and religions and all other religions and nations of today have the same law in practice.

Explanations of Islamic jurists in this matter are as under.

الاقال في شرح الميرا لكبير دفيه دليل جواز المداواة بعظم بالوحف الان العظم لا يتنجى بالموت على pig is absolutely impure and taking any benefit النالانه لاعلاق علم الانالان علم التلاوية الدان المنال المنا from it is not lawful under any circumstances نظسيني معمدلا يجون الانتقاع بإبحال والادى محتر بعد موتبعل ما كان عيد في عاتم فكالا يجوز التذوى النامن الادى الحائراما له فكن لك لا يجون التلاق بعظم الميت قال رسط الله علية مركر عظم الميت ككرعظم في وع المع وكن على فالمسلمة عيون ع خعورا لا في الا تقاع به بلان الادى كرلاستال ويونانكن شئ مناجزات مهانامية والمرهداي وقال ابن هام فى شرحة في بعدا طانة له كذا فالنهة الانتقاله وخلافه عامة كتب المذهب وف العناية فرح العلاية وجلد الآدى تكرامة لتلا يجاسه الناس علىنكرمالله باتنال اجزائر كال بن الهمام في توضيع بعض المسائل ان الاتفاق على ان حرمة المله مناكرمة حااهدون الدى الخارمن البع الفاسل وشعر الانسان لأمة الآدى ولوكان كافراذكره الممتت وغيرانى بحث شعرالخنزير-قال الشامى قوله و فعرالانمان لا يجون الانتقاع به لحديث لعن الله لوسلة والمتوسلة توله ذكرة المصنف حيث قال والردى مكرم شرعا ولوكان كافرافا يوادا لعقل عليه والتأله بهوالحادربالجادات الالاله رشاعي عروانعس وفي العالمكرية باب التلاوى من الحظروالا باحد الانتفاع بلجزاء الآدمى لعريجز قيل للنجاست وقيل للكراهة عوالصحح كذافى جواصرالحل الاجاع وكذا يكرلان يعيد تلك السن الماقطة مكانها عندانى حنيف ومحدد وكلن ياخذ سن شأ محمد متالفا وقال العلوسف لاباس لبندوبكره من غيرة - ومثلف خلا صتالفا وي معدم متالفا وي معدم الما معدم من الفا وي جهوني المنديد ما عام وفي البحر ما العمر وفي البحر الرائق وان قطعت اذند. قال المولوسف اع وإس بان يديد ها الى مكانها وعتلهما لا يجون رم وسالا عا) واذاكسوللم وعظم فطارفلا يجوزان يول من بيد وكاوكذالك ان سقطت من وكرت ميتة ولا يحوله ان لعيدها بعل مليانت فلا بعيل سن شي غيرسن ذكى إلى لمنذران رتع عظمة بعظم ميتة اوزك لايوكل لحندار عظم انسان فهوكا الميت فعلي قلع وعادة كلموة ملباوهوعليان لونقلعليج والسلطان على قلعدفان يقلع حتى مأت لم لقلع بعدموت دنه مارميتاكله والله عيدة وكذالك سني اذاند كا فان اعتلت سن فريطها قل ت تنافي من نها لا تصرميت حق تقطعت الملكاب الاموروى بأستاه عن اسماد منت إلى بكر قالت انت امرة الى البني عي الله عليه وا فالتيارسول اظه ان بنتالي اما بها الحصبت فتمزق شعرها إفاصل فيه ، فقال ي سول الله صلى لله عيه لفت الواصلة والموصولة كما ف الام صياح عا-

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forbidden trade due to sanctity of man even if he may be an unbeliever. Musraf etc. have mentioned after the grafting must be repeated. If the person it in connection with the trade of pig's hair.

benefit from human hair is not lawful because it it should not be extracted after his death because has occurred in Traditions "Allah curses on "Wasila" and 'Mustansila", that is, on those sufficient wearing wigs or those fitting them". Musnaf has mentioned it where he has stated that mankind is honorofic even if he be unbeliever. It is al contempt to trade on him and highly insulting to treat him at par with rocks and minerals etc.

And in Alamgiryah it is stated that taking benefit form human organs is not lawful due to didgnity and sanctity.

In Bada'i it occuss that replacement of some one's tooth by a dead person's tooth is unlawfull by unanimous verdict. Similarly fixing a fallent tooth on its place again is also undesirable. Rshid Ahmad Likewise it occurs in Khulasat-al-Fatawall Hindiyah Bahar and Bahar-al-Raiq that if a Wali Hasen Tonki person's ear is cut off then according to Imam Yusuf there is no harm in stitching it back in its place, but others regard it as unlawful. And when a woman's bone gets a crushed fracture and its fragments are seattered its grafting is not lawful except from the bones of animals whose meatis not forbidden. Similarly if some body's tooth has fallen it is dead and fixing it again is not lawful No other tooth can now replace it except that Muhammad Rafi animals permissible for slaughter.

If grafting has been done with the bone of dead person or with that of forbidde unslaughtered animal or with a human bone it

like a dead part and removing it becomes obligatory, and all the prayers of worship offered does not get it extracted the ruler should force 'Allamah Shami has stated that taking him to do so. If he dies without removing it, then the whole body is now dead, and to him Allah is

> Mufti Muhammad Shafi Darul Ulum Karachi.

ENDORCEMENTS BY COMMITTEE MEMBERS

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- Mufti, Ashraf-ul-Madaris, Karachi.

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Subhan Mahmud - Lecturer & Administrator, Darul Ulum, Karachi.

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Muhammad Ashiq Ilahi Ulum, - Lecturer. Darul Karachi.

forbidden trade due to sanctity of man even if he may be an unbeliever. Musraf etc. have mentioned it in connection with the trade of pig's hair.

'Allamah Shami has stated that taking benefit from human hair is not lawful because it has occurred in Traditions "Allah curses on "Wasila" and 'Mustansila", that is, on those wearing wigs or those fitting them". Musnaf has mentioned it where he has stated that mankind is honorofic even if he be unbeliever. It is a contempt to trade on him and highly insulting to treat him at par with rocks and minerals etc.

And in Alamgiryah it is stated that taking benefit form human organs is not lawful due to didgnity and sanctity.

In Bada'i it occuss that replacement of some one's tooth by a dead person's tooth is unlawful by unanimous verdict. Similarly fixing a fallen tooth on its place again is also undesirable. Likewise it occurs in Khulasat-al-Fatawa Hindiyah Bahar and Bahar-al-Raig that if a person's ear is cut off then according to Imam Yusuf there is no harm in stitching it back in its place, but others regard it as unlawful. And when a woman's bone gets a crushed fracture and its fragments are seattered its grafting is not lawful except from the bones of animals whose meatis not forbidden. Similarly if some body's tooth has fallen it is dead and fixing it again is not lawful No other tooth can now replace it except that of animals permissible for slaughter.

If grafting has been done with the bone of dead person or with that of forbidded unslaughtered animal or with a human bone it is

like a dead part and removing it becomes obligatory, and all the prayers of worship offered after the grafting must be repeated. If the person does not get it extracted the ruler should force him to do so. If he dies without removing it, then it should not be extracted after his death because the whole body is now dead, and to him Allah is sufficient.

Mufti Muhammad Shafi Darul Ulum Karachi.

ENDORCEMENTS BY COMMITTEE MEMBERS

Muhammad Yusuf Binowri	Founder, Madrsah Arabiyah			
	Islamiyah & Patron			
	monthly Baiyyenat, New			
	Town, Karachi.			

Rshid Ahmad	Mufti,	Ashraf-ul-Madaris,
	Karachi.	

Wali Hasan Tonki	- Mufti, Mac	drasah	Arabia
	Islamiyah,	New	Town
	Karachi.		

dunammad Lagi Usmani	Lecturer &	Editor monthly		
	"Al-Balagh"	Darul	Ulum,	
	Karachi.			

Subhan Mahmud	100 TO 10	Lecturer	&	Administrator,
		Darul Ulu	m,	Karachi.

luhammad Ashiq Ilahi	Tonas .	Lecturer,	Darul	Ulum,
		Karachi.		

APPENDIX

Reported from monthly 'Sayr bin' United Satees Information Section, Pakistan, dated September 1967.

ARTIFICIAL SPARE ORGANS.

Industrialists had started construction of spare parts of their products since a long time ago, because they know that most often this is easier and more economical to replace the damaged or defective parts than to repair them. The idea of making spare human organs for the benefit of mankind is present since the preparation of artificial dentures. The idea, however, could not be extended to a practical application in other organs for a long time because there were many technical obstacles in the way. One of it was that the research workers still did not know how the different organs of human beings work. For example, science was unable to fully understand the most perfect pump of the world, that is, HEART. Another problem was as to how can the funtional mechanics of human organs be copied exactly like the original. The problem remined unsolved due to scarcity of proper material, primitive state of technical advancement, incapability of making movable minute parts, and for some reason or the other. Although things like artificial limbs and hearing aid did take the place of human organs, but the fact remained that they could not reproduce the exact

functional efficiency of these organs. Getting proficient in the use of many such instruments was not only difficult for the patients but most of them were comparatively outsized or heavy, and could not perform the proper functions of the human organs as a replacement of which they were manufactured. But now a days a true revolution of "Spare Organs" is fast approaching in the medical world. With the collaborations of experts in surgical procedures and medical engineers, and the introduction of latest technical skills in preparing various artificial goods and micro-instruments, such equipments are being made in ever-increasing numbers as can almost perfectly mimic the human organs. In respect to size and functions these instruments resemble the natural organs to the extent that mostly they can be fitted in body in exactly the same place where the natural organs exist. Most of them do not even require the patient to gain proficiency in their use during the curative stage of his illness. After installing at the required place in the body these instruments can be left to function automatically without elaborate maintenence. A vast number of people these days owe their life, health and working efficency to the modern spare organs, for example, metallic hip and knee joints, decron arteries, plastic eye ball, and corneae, silicon rubber heart valves, respiratory channels, aural cartilage and tissues and several other

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parts. The revolution has just started¹. The first artificial valve was implanted into the heart of a patient in 1960, and the first plastic cornea was fixed in 1965. When this process reaches its peak in future, the latest surgical knowledge will change the treatment system from the corrective and curative know-how to a science in which artificial spare organs will be in use in a very large number. Some experts are foreseeing to the extent that a new kind of human being will come into existence that will be partly a man and partly his invention, and the span of life, physical efficiency and intellectual ability will, to a great extent depend on the artificial organs.

Plastic made cornea of eye has recently come out of experimental stages. It has given great hope to the patients of cataract and other diseases of the transparent membrance covering the pupil of an eye (cornea). This screen (cornea) was prepared by William Stone and a team of experts in the Cidercinamai Medical Centre of Los Angelis in 1948. Formerly, the cornea of those persons used to be transplanted who had donated it to be removed form their eyes immediately after their death. But for certain reasons not yet properly understood the cornae grafted in this manner used to get hazy and the recepient used to become blind again. The team of Dr. Stone decided that artificial cornea was the beast solution to this problem. Hence they

prepared a perforated membrane that holds a window of transparent plastic. This membranous cap sticks to its place in due course of time and the blood vessels of the eye penetrate through the perforations of this membrane and hold it. In this manner several such membranes have been grafted since 1965. Whatever be its ultimate outcome for human psychology and philosphy of life, the objectives of increasing use of spare human organs are very limited. Its present day objectives are to further prolong the life, remove the troublesome effects of disease or injury and to minimize the human sufferings. The list of such artificial instruments is quite satisfactory as can perform the required functions fairly well. Some of the hundreds of artificial spare organs have been mentioned in the following lines. These organs are becoming the cause of reducing infirmity of invalid prsons and in minimizing their distress. This is not far from imagination that the scientists shall one day be able to make all such things which a human being is composed of. However, the surgeons are still facing a lot of problems. For example, they have to make a small artificial kidney which would function almost as efficiently as a human kidney. In order to construct such things they have to struggle hard for searching better materials. In certain cases the rubber balls in the artificial heart valves had broken and separated. These balls have to open and close the valve one billion times in a year and they got swollen up due to

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absorption of body fluids so that their work began to suffer. Several fatal incidents have also occured due to these balls coming out of the frames that keep them to the left chamber. These and other failures have been very distressing for the medical engineers, but they have not been discouraged. They know that a true revolution has started n the medical world, and that the day is coming nearer when the spare organs for human body would be so freely available as the spare parts of cars, television and sewing machines.

ARTIFICIAL HEART VALVE OF SILICON:

About 30,000 such valves have been transplanted in human bearts since 1960. These valves have been manufactured by Edwards laborations of California. The part of this arterial valve consists of a ring of metal and a rubber ball which floats in a metallic frame. When a person's natural valve becomes defective, the surgeons remove it. This natural valve is situated between the two hollow chambers that pump the blood left ventricle and Aorta Aritificial valve is plaed at the same place from where the diseased valve has been removed, and hanging it inside the hollow ventricle its frame is stitched to the heart muscle. When the blood reaches from the left ventricle to the hollow the ball settles in the bottom of the frame and lets the blood pass. When the blood is pumped through the Aortas to all the arteries of the body the ball rises and softly fits into the metallic circle and in this way blood is prevented from regurgitating into the chamber which could otherwise prove fatal.

ARTIFICIAL BLOOD VESSELS: Important arterial walls get hardened and lose their elasticity due to old age, obliteration fatty meals and other similar causes. Blood begins to becomes stagnant in them and they swell from outside or can not maintain the normal circulation of blood. These conditions very often result in paralysis or even become fatal. Surgeons were working on manufacturing elastic artificial arteries for twelve years. In the beginning the arteries thus manufactured were defective so that when they were grafted to a part of the body that used to bend during movements (for example, near the hip joint), sometimes they used to get twisted. The solution to this problem was found by Dr. W. Sterling Edward of Alabama University in 1955. He made an artery of decron which has been successfully used on thousands of patients.

METALLIC JOINTS OF BONES: Thirty years ago the scientists prepared a compound alloy named Vitalium of different metals. This alloy is strong and light weight and it does not melt. It can be easily used to replace or support badly crushed bones. In order to use it in the patient's body great researches were carried out for a long time, and in this connection a successful attempt was made by Dr. Austin-T.

This was the position in 1967.

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Moore of Columbia (South Karolina) in 1938 when he made a hip prosthesis. This fits into the socket of the hip bone and with the sound portion of thigh bone. It has another advantage that it distributes the weight of the patient equally on the upper part of his limb. Thousand of Austin Moore prostheses have been used in various patients since 1939, and in almost all cases the patients have become able to walk without a limp.

BLADDER: ACTIVATED URINARY Patients of paraplegia due to spinal injury mostly die as a result of defect in the function of urinary excretory channel. This situation arises when the affected nervous system fails to contract the large muscle which, under normal circumstances stimulates the bladder wall to contract for excretion of urine. When the biadder does not excrete all the urine severe taxicity may develop. In order to remove this defect Dr. Adrian Cantre Watts and Dr. Martin Somen of Memonidus Hospital, New York, have made an electronic transmitter and stimulating instrument (the Activator) which work simultaneously for emptying the bladder.

This activictor is infact a small radio receiver which is fitted under the skin of lower abdomen. When the patient switches on the transmitter (which is separate from the body and may even be kept by the patient in hand) it generates a low voltage electric current on the

bladder muscle responsible for excretion of urine. This in turn causes contraction of the muscle and results in complete evacuation of the bladder. This life saving instrument has been used on several patients of paraplegia since 1963.

ARTIFICIAL EAR OF SILICON RUBBER:

In order to replace the protruded organs of human body such as ears, nose etc. in the event of their damage surgeons had to depend on live cartilages and blood vessels before the satisfactory introduction of silicon and similar other compounds for this purpose. In the older method two operations had to be performed. Firstly to obtain cartilage from other part of the body, and secondly to transplant it as a new ear or nose etc. The first operation was needed because a graft from another person or animal was generally rejected by the body of the patient and a biological resistance used to develop. Autografts gave better results but sometimes these were also accepted by the body fluids several months after their implantation. With the introduction of silicon organs the diseased or injured parts can have a lifelong replacement. These organs can be given any required shape and they can be cleanly slitched any where in the body. If a person looses his internal ear the surgeons can fit a new silicon ear made in Dow Carning Medical Centre, Michigan. After having fitted this artificial ear is covered with skin graft to match the natural ear.

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Islam on Grafting & Transplanting of Human Organs

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HEART PUMP MADE OF PLASTIC: This artificial pump has been made by Dr. Canter Watts and his brother Arthur who are specialists in natural sciences. This artificial heart assists those hearts which become weak due to old age, or they get damaged in some other way. This pump consists of following parts: A U-shaped plastic hollow sheath inside which is a flexible tube of silicon rubber, an air pipe attachad to the chamber and an electronic machine to control it. The sheath is installed inside the patient's body and the air pipe passes through the chest wall. The electrodes of this system are fixed on the heart. The pipe remains in contact with a store of air under high pressure and the electrodes are in contact with the control machine which remains in synchrony with the heart rate. Both ends of that pipe are stitched with the Aorta a little above the left ventricular cavity. In this way this pump becomes an important part of Aorta (the big artery that supplies blood to the body). This pump works in the manner that as soon as the weakened left ventricle is filled with blood it contracts and pushing the blood into the aorta fills it into the inner tube of silicon rubber. Towards the end of the contraction of ventricle the electrodes send signals to the control machine to push the pressurised air in the external cavity of the plastic. The air passes down exerting its pressure on the blood filled inner tube and in this way causes the blood to enter the blood vessels.

Meantime blood is again filled in the ventricle

and the cycle is repeated. In this way the patient whose heart is not strong enough to work efficiently without assistance is kept alive.

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